

REMARKS

[0001] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-8, 10-12, 14-22, and 24-26 are presently pending. Claims amended herein are 1, 11, and 21. Claims withdrawn or cancelled herein are 9, 13, 23 and 27. No new claims have been added herein.

Formal Request for an Interview

[0002] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0003] Furthermore, I will be at the USPTO in Alexandria, VA on Oct. 22-24, 2008. I will be following up with you to arrange to talk to you at that time.

[0004] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0005] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 11, and 21 herein. Applicant amends claims to clarify claimed features. Such amendments are

made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

[0006] Claim 11 was amended to include subject matter from dependent claim 13. Claim 21 was amended to include subject matter from dependent claim 23. Support for the amendments to claims 1, 11 and 21 are found in the specification at least at page 10 [0040-0041], page 11 [0044], and page 12 [0046].

Substantive Matters

Claim Rejections under § 101

[0007] Claims 9 and 27 are rejected under 35 U.S.C. § 101. In response to the Examiner's rejection of these claims, both Claim 9 and Claim 27 are cancelled.

Claim Rejections under § 102

[0008] The Examiner rejects claims 1-27 under § 102. For the reasons set forth below, the Examiner has not shown that the cited references anticipate the rejected claims.

[0009] Accordingly, Applicant respectfully requests that the § 102 rejections be withdrawn and the case be passed along to issuance.

[0010] The Examiner's rejections are based upon the following reference:
Dunbar: *Dunbar, et al.*, US Patent Publication No. 2004/0268397 (Published December 30, 2004).

Overview of the Application

[0011] The Application describes a technology for facilitating playback of video segments (with transforms applied therein) which can be both glitch-free and realtime.

Cited References

[0012] The Examiner cites Dunbar as the primary reference in the anticipation-based rejections.

Dunbar

[0013] Dunbar describes a system and methods to provide handling of variable rate playback in a multimedia computer architecture. The system and methods provide data structures and interfaces that enable a computer architecture and components therein with the ability to playback data at speeds faster and slower than real-time, to playback data in reverse, and to change the rate of playback at any point during the playback. The methods include determining a minimum of the maximum reported playback rates and determining minimum and maximum playback rates in a set of modes including: Reverse skip mode, reverse key frame mode, reverse full mode, forward full mode, forward key frame mode, and forward skip mode.

Anticipation Rejections

[0014] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

Based upon Dunbar

[0015] The Examiner rejects claims 1-27 under 35 U.S.C. § 102(e) as being anticipated by Dunbar. Applicant respectfully traverses the rejection of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0016] Applicant submits that Dunbar does not anticipate this claim because it does not show or disclose at least the following feature as recited in this claim:

- realtime glitch-free playback of the just-buffered and just-decoded multimedia segment, wherein the realtime glitch-free playback comprises rendering and presenting the just-buffered and just-decoded buffered

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see *MPEP* §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

multimedia segment such that the just-buffered and just-decoded multimedia segment is played back without glitch, interruption, jumpiness, jerkiness, or change in playback speed.

[0017] With regard to this claim, the Examiner indicates (Action, pp. 3-4) the following:

Dunbar et al. discloses one or more processor-readable media having processor-executable instructions that, when executed by a processor, performs acts comprising: obtaining an encoded multimedia segment, the segment having a defined normal decode schedule which designates a normal rate for decoding the multimedia segment (paragraph 0067); decoding the multimedia segment at a rate greater than the normal decode schedule (paragraph 0066); buffering the decoded multimedia segment produced by the decoding (paragraph 0089); rendering and presenting the buffered multimedia segment (paragraph 0089).

[0018] Herein, Applicant amends this claim to clarify the “rendering and presenting” action. With reference to those clarifications in the claim language, Applicant submits that Dunbar fails to disclose, at least, “realtime glitch-free playback of the just-buffered and just-decoded multimedia segment, wherein the realtime glitch-free playback comprises rendering and presenting the just-buffered and just-decoded buffered multimedia segment such that the just-buffered and just-decoded multimedia segment is played back without glitch, interruption, jumpiness, jerkiness, or change in playback speed.”

[0019] Consequently, Dunbar does not teach, suggest or disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2-8 and 10

[0020] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

[0021] Furthermore, dependent claims 3 and 4 recites additional features that are not disclosed by Dunbar. For example, those features include “transforming the decoded multimedia segment by applying a transition....”

[0022] Further still, dependent claim 5 recites additional features that are not disclosed by Dunbar. For example, those features include “further comprising determining whether to perform the decoding and buffering when spare computing resources are otherwise available”

Independent Claim 11

[0023] Applicant submits that Dunbar does not anticipate this claim because it does not disclose the following elements as recited in this claim (with emphasis added):

- a decoder configured to decode an encoded multimedia segment, the segment having a defined normal decode schedule which designates a normal rate for decoding the multimedia segment, the decoder being further configured to decode the encoded multimedia segment at a greater rate than the normal decode schedule, wherein the decoder is still further configured to **determine whether to decode the encoded multimedia segment at a greater rate than the normal decode schedule when spare computing resources are otherwise available for doing so;**
- ///
- a display presentation mechanism configured to **playback rendered and decoded multimedia signals in realtime and glitch-free manner.**

[0024] Dunbar does not disclose a utilization of "spare computing resources" to decode and "in realtime and glitch-free" playback.

[0025] Consequently, Dunbar does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 12 and 14-20

[0026] These claims ultimately depend upon independent claim 11. As discussed above, claim 11 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0027] Furthermore, dependent claim 14 recites the use of a “dual-ported memory”, which Dunbar fails to disclose.

Independent Claim 21

[0028] Applicant submits that Dunbar does not anticipate this claim because it does not disclose the following features as recited in this claim (with emphasis added):

- **transforming the decoded multimedia segment by applying a transition** from one portion of the multimedia segment to another portion;
- **realtime glitch-free playback** of the buffered and decoded multimedia segment, wherein the realtime glitch-free playback comprises rendering and presenting the buffered and decoded buffered multimedia segment.”

[0029] The Examiner indicates (Action, p. 6) that claims 21-27 are rejected for the same subject matter as "claim 11, 12, 3, 5, 6, 8, and 22 [sic]" respectively. If this is true, then this claim are allowable for the same reasons that claims 11, 12, 3, 5, 6, 8, and 9 are allowable.

[0030] In particular, Dunbar does not disclose a utilization of transformation by use of transitions and "realtime and glitch-free playback."

[0031] Consequently, Dunbar does not disclose, teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 22 and 24-26

[0032] These claims ultimately depend upon independent claim 21. As discussed above, claim 21 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Pre-Emptive Response to a Potential § 103(c) Rejection

[0033] If, in a forthcoming action, the Office relies upon Dunbar as part of a combination for an obviousness rejection, then Applicant will submit the following statement, as set forth in the Manual of Patent Examining Procedure, 706.02(I)(2) II:

The instant application and the cited reference, U.S. Patent Application Publication 2004/0268397, were, at the time the invention of the instant application was made, subject to an obligation of assignment to Microsoft Corporation. Applicant respectfully submits that the cited art, U.S. Patent Application Publication 2004/0268397, only qualifies as prior art under § 102(e), and shared a common assignee with the instant application at the time the subject matter of the instant application was conceived. Thus, U.S. Patent Application Publication 2004/0268397, cited in combination with [other cited art under § 103(a) should be disqualified under § 103(c).

Dependent Claims

[0034] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0035] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

/kaseychristie40559/
Kasey C. Christie (kasey@leehayes.com; x232)
Registration No. 40559
Customer No. **22801**

Dated: 9/30/2008

Telephone: (509) 324-9256
Facsimile: (509) 323-8979
www.leehayes.com